



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 5260**
Yoshitaka TOMIGAHARA et al. : Attorney Docket No. 2006_0369A
Serial No. 10/572,639 : Group Art Unit 1625
Filed March 17, 2006 : Examiner Taofiq A. Solola

CINNAMOYL COMPOUND AND
USE OF THE SAME : **Mail Stop: Amendment**

RESPONSE TO RESTRICTION /ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975**

Sir:

In response to the June 20, 2008 Restriction and Election of Species Requirement, the time for responding thereto being extended for four months in accordance with a Petition for Extension of Time submitted concurrently herewith, Applicants elect Group IV, claim 4, with traverse.

Applicants further elect the Species of claim 18, a compound having the formula XVIII, with traverse. At least claims 1-7, 10, 12, 18, 27, 46-49 and 51-69 read on the elected Species.

Applicants respectfully traverse the Restriction and Election of Species Requirement. The present application is based on International Application No. PCT/JP2004/013987. The Written Opinion of the International Searching Authority issued in the PCT application was filed on August 18, 2006, and indicates that claims 1-25, 46-49, 51, 53, 56, 58, 61, 63, 65, 67, 69, 71 and 73 have unity of invention, are novel and involve an inventive step. Therefore, a special

technical feature among Groups I-XIII and XVIII-XXVII exists and, thus, unity of invention among Groups I-XIII and XVIII-XXVII exists. Accordingly, reconsideration and withdrawal of the Restriction and Election of Species Requirement, at least with respect to claims 1-25, are respectfully requested.

Applicants also respectfully request rejoinder of non-elected method claims 46-49, 51, 53, 54, 56, 58, 59, 61, 65, 67, 69, 71 and 73. Where product and process claims are presented in the same applications, Applicants may be called upon under 35 U.S.C. § 121 to elect claims to either the product or process. MPEP § 821.04. However, in the case of an elected product claim, rejoinder will be permitted when a product claim is found allowable and the withdrawn process claims depend from or otherwise include all the limitations of the allowed product claim. Because the process claims include all of the limitations of product claims, the process claims should be rejoined with the product claims when the product claims are found allowable.

Favorable action on the merits is solicited.

Respectfully submitted,

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